

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

Court of Appeals #10-1219
#10-2271

DISTRICT COURT NO. 06-CR-20676
09-CV-11000

HENRY RICHARDSON

Respondent.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

AMENDED ORDER

**(1) GRANTING PETITIONER'S REQUEST TO HAVE HIS ATTORNEY
SEND A COPY OF HIS PRESENTENCE REPORT AND THE
SENTENCING STATEMENT OF REASONS TO HIS DESIGNATE
(2) MOOTING APPEAL ON THESE ISSUES**

On September 7, 2010, this Court, in response to a request from Defendant's prior counsel Edward C. Wishnow evidencing Defendant's request that Wishnow send a copy (1) of his Presentence Report (PSR) and (2) the Statement of Reasons (SOR) portion of his Judgment and Commitment Order to his designate.

The Court, relying upon materials provided by the probation department, initially denied these requests in an Order dated September 7, 2010.

Upon further research into the law, and having consulted the General Counsel's office at the Administrative Office of the United States Courts, and the General Counsel for the U.S. Sentencing Commission, this Court concludes that petitioner's presentence report, and the statement of reasons, while not public documents, can be sent to his "designate."

The Court notes that although the "Federal Judiciary Administrative Improvements Act

of 2010" separated the Judgement and Commitment Order from the Statement of Reasons form issued under 28 U.S.C. §994(w)(1)(B), that does not change the fact that like the presentence report, that document, while not for public disclosure, can be disclosed to Defendant – in this case, his designate.

Thus, a copy of both the PSR and the SOR can be released by prior defense counsel to Petitioner's designate.

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: October 13, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on October 13, 2010.

S/Denise Goodine
Case Manager